

2/6

Notice of Allowability

Application No.

09/836,916

Examiner

CHAMELI C DAS

Applicant(s)

HOLZLE ET AL.

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and terminal disclaimer filed on 8/1/04.
2. ☒ The allowed claim(s) is/are 2-21 (newly numbered claims are 1-20).
3. ☒ The drawings filed on 4/17/20001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/22/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/22/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1. This action is in response to the amendment and Terminal Disclaimer filed on 08/1/04.
2. Claim 1 has been canceled.
3. Claims 2-21 have been added.
4. Claims 2-21 are allowed.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mahboubian, applicant's attorney on 10/22/04.

The application has been amended as follows:

In the claims:

In claim 5, lines 1, "claim 2" has been replaced by -- claim 2--.

In claim 6, lines 1, "claim 2" has been replaced by -- claim 2--.

In claim 7, lines 1, "claim 2" has been replaced by -- claim 2--.

In claim 2, on line 6, "when the determining determines" has been replaced by
-- when it is determined --

In claim 8, on line 7, "when the determining determines" has been replaced by
-- when it is determined --

In claim 16, on lines 8-9, "when the determining determines" has been replaced
by -- when it is determined --.

REASON FOR ALLOWANCE

6. The following is an examiner's statement of reason for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, a method for dynamically performing tasks at runtime during the execution of an executable computer program, the method comprising: selecting a first task from a plurality of tasks which can be performed during the execution of the executable computer program when it is determined that there is a period which the level of activity associated with execution of the executable computer program is below a threshold level, as recited in the independent claims 2, 8 and 16.

Conclusion

7. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Subsystem input service for dynamically scheduling work for a computer system, US 4918595 A

TITLE: Code generator for applications in distributed object systems, US 5860004 A

TITLE: Object oriented framework for specifying the format of compiler output with a template facility, US 6141792 A

TITLE: Method and apparatus for generation and installation of distributed objects on a distributed object system, US 6640255 B1

TITLE: Computer activity monitor providing idle thread and other event sensitive clock and power control, US 5892959 A

Art Unit: 2122

TITLE: Portable Run-Time Support for Dynamic Object-Oriented Parallel Processing, author:
Grimshaw et al, May 1996.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (703) 305-1339. The examiner can normally be reached on 7-3:30.

After October 28, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER

10/22/04